

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

MATTHEW A. BURGESS and  
LILI C. BURGESS,  
Plaintiffs,

v.

UNITED STATES DEPARTMENT  
OF EDUCATION, UNITED STATES  
DEPARTMENT OF EDUCATION  
FEDERAL STUDENT AID DIVISION,  
Defendants.

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File No. 1:05-CV-98

ORDER

The Magistrate Judge's Report and Recommendation ("R&R") was filed February 10, 2006. (Paper 23.) The Court has reviewed the R&R and the Plaintiffs' objections (Paper 24), and has considered de novo those portions of the R&R to which objections pertain. See Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). Plaintiffs' objections are without merit. The Report and Recommendation, therefore, is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The defendants' motion to dismiss (Paper 15) is GRANTED. All claims of Lili C. Burgess are DISMISSED without prejudice, and Matthew A. Burgess's claims in Counts 2 through 5 are DISMISSED without prejudice.

The matter is hereby returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17<sup>th</sup> day of April, 2006.

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/s/ J. Garvan Murtha

J. Garvan Murtha  
United States District Judge